

IN RE: PETITION FOR SPECIAL HEARING  
N/S Pennsylvania Avenue, 100'  
W of Central Avenue  
(402 W. Pennsylvania Avenue)  
9th Election District  
4th Councilmanic District  
Claudia L. Brooks  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-68-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an extension of time for the utilization of a special hearing granted in Case No. 86-519-SPH, which modified Case No. 77-206-XA, for a period of three years, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition was Paul H. Brooks, Petitioner's husband. There were no Protestants.

Testimony indicated that the subject property, known as 402 West Pennsylvania Avenue, is zoned R.O. and is currently improved with a two and one-half story brick office building. The subject property was granted a special exception for office use in Case No. 77-206-XA. On June 24, 1986, Case No. 86-519-SPH, the Petitioner's predecessor in interest, Weyrich, Cronin and Sorra, were granted the right to amend the site plan filed in the special exception case to permit an addition to the rear of the existing office building. The site plan submitted herein and identified as Petitioner's Exhibit 1 is the same site plan which was approved in the 1986 special hearing.

Testimony further indicated that the Petitioner purchased the subject property in late 1986 and rented the premises to her husband's publishing business. Due to the expansion of her husband's business,

Petitioner desires to construct the addition as proposed by her predecessor and approved in Case No. 86-219-SPH. Petitioner testified the character of the surrounding neighborhood is the same as it was when the Order permitting the addition was issued in June of 1986.

Pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), a special exception is deemed to have expired if not utilized within two (2) years of the date of the final Order granting such special exception, unless an extension, not exceeding a total of five (5) years, is granted.

On April 8, 1988, Petitioner wrote J. Robert Haines, Zoning Commissioner, requesting an extension of the time frame in which to utilize the relief granted in the special hearing. Petitioner was advised that an extension could only be granted after a public hearing. Prior to the expiration of the deadline for utilization, June 23, 1988, Petitioner filed the instant Petition for Special Hearing to approve an extension for a period of three (3) years.

Testimony presented indicated that Petitioner has not changed the plans originally submitted by her predecessor in the Petition for Special Hearing in Case No. 86-519-SPH. Further, Petitioner testified that she has discussed the matter with contractors and intends to proceed with the construction of the proposed addition.

After due consideration of the testimony and evidence presented, it appears that the relief requested in the special hearing should be granted. There was no testimony that there was any change in conditions from the time the original special exception was granted to the present that would indicate that the proposed use would result in any detriment to the neighborhood or adversely affect the public interest.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of September, 1988, that the Petition for Special Hearing to approve an extension of time for the utilization of the relief granted in previous Case No. 86-519-SPH, for a period of three years beginning June 24, 1988, be and is hereby GRANTED, from and after the date of this Order.

ANN. M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

September 23, 1988



Newton A. Williams, Esquire  
Nolan, Plumbhoff & Williams  
Mr. & Mrs. Steven L. Nichols  
9149 Geodetic Road  
Baltimore, Maryland 21236

RE: PETITION FOR SPECIAL HEARING  
N/S Pennsylvania Avenue, 100' W of Central Avenue  
(402 W. Pennsylvania Avenue)  
9th Election District - 4th Councilmanic District  
Claudia L. Brooks - Petitioner  
Case No. 89-68-SPH

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN. M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: People's Counsel

File

#### PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an extension of time for utilization of Case #86-519-SPH which modified Case #77-206-XA for a period of three (3) years.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

No. 52637

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE AND DISBURSEMENT  
MISCELLANEOUS CASH RECEIPT

DATE: 9-23-88

RECEIVED FROM: Newton A. Williams, Esquire

FOR: \$100.00

DATE: 9-23-88

RECEIVED FROM: Newton A. Williams, Esquire

FOR: \$100.00

DATE: 9-23-88

Legal Owner(s):

Claudia L. Brooks

(Type or Print Name)

Claudia L. Brooks

Signature

(Type or Print Name)

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RECEIVED  
JUL 26 1988  
ZONING OFFICE



INTER-OFFICE CORRESPONDENCE

Date. August 30, 1988

SUBJECT Zoning Advisory Committee Comments

402 West Pennsylvania Avenue - No. 460 Zoning Petition 89-68-SPH  
The Office of Planning and Zoning does not object to the extension of time  
for this project.

cc: Newton Q. Williams, Esq.  
9-8-88/JS

PETITIONER(S) SIGN-IN SHEET

ADDRESS  
1105 HAMPTON PLAZA, 300 EVAPPA RD.  
21204  
402 W. Pennsylvania Ave. Tucson 21204  
828 Kingston Rd. Baltimore, MD 21212

W. Carl Richards, Jr.  
Zoning Coordinator

cc: Files 86-519SPH  
77-206XA

cc: Newton Williams✓  
James E. Dyer  
Carl Richards

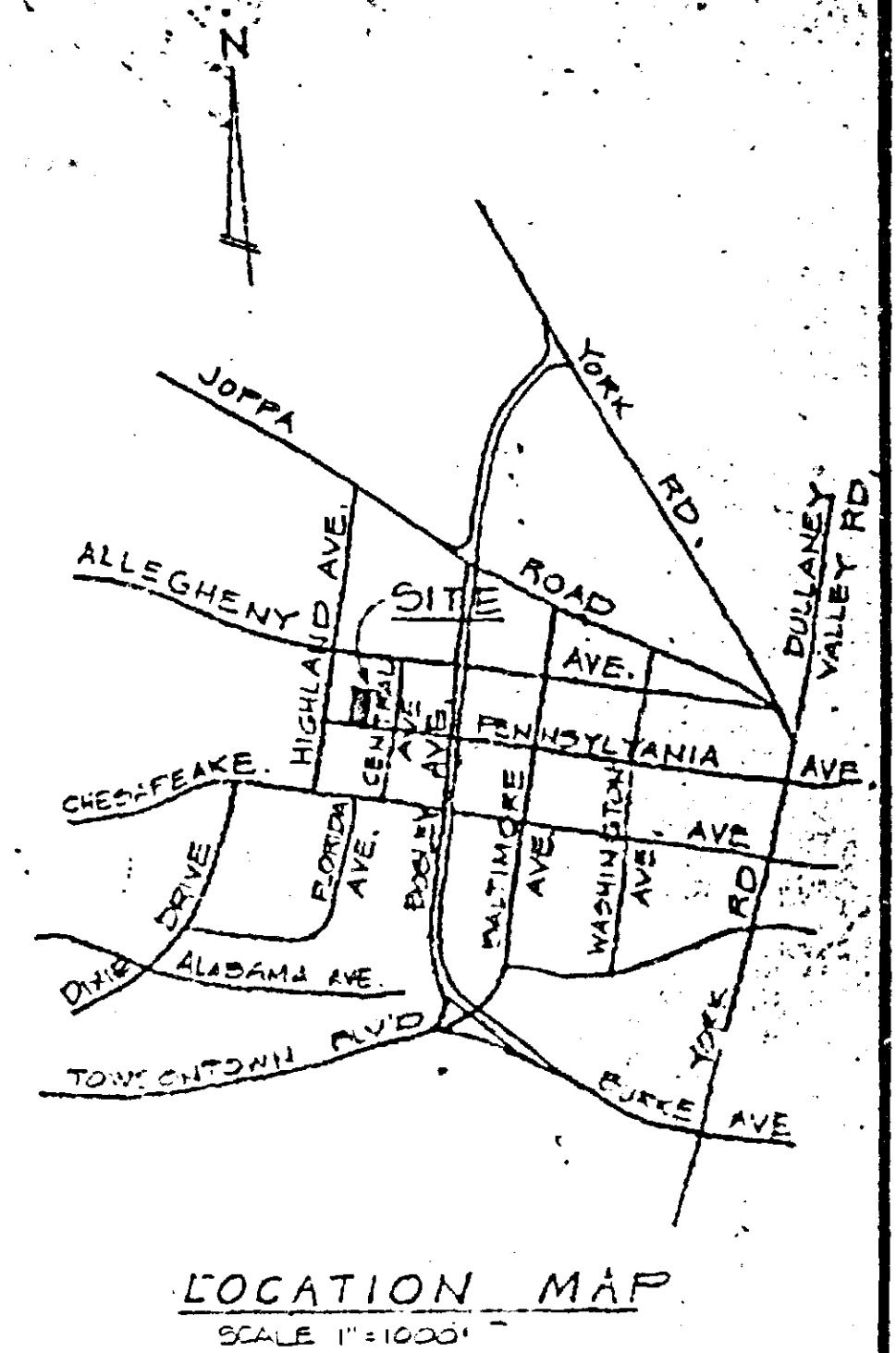
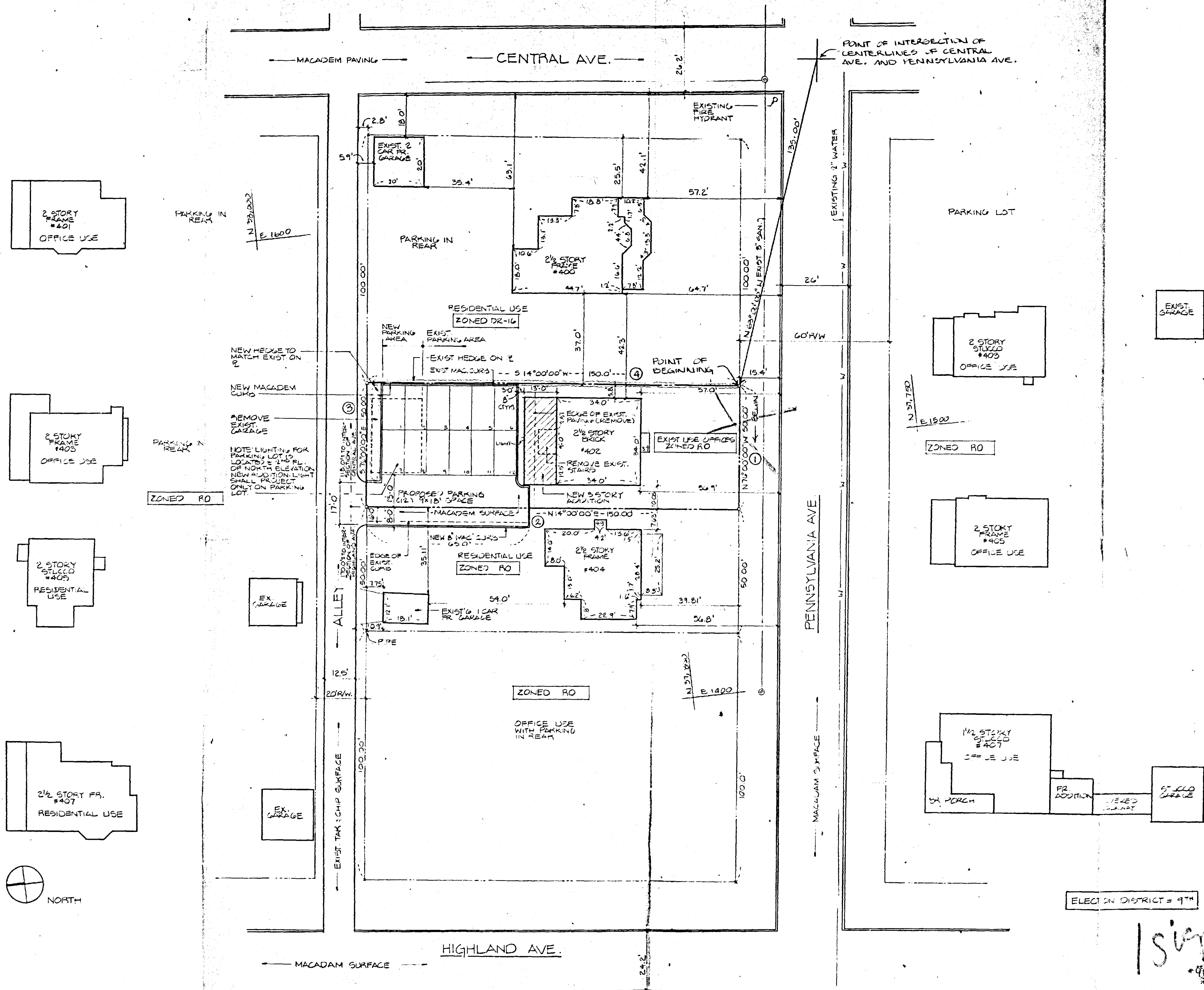
26, 1983

In answering your question it is important to point out that when an originally granted Special Exception is proposed to be amended through the zoning hearing process, even though the original Special Exception is in place and the utilization of the property is in compliance with the zoning ordinance, it is recommended, that the Zoning Commissioner reconsiders the same. It is recommended, that the Zoning Commission, in accordance to principles and conditions outlined in § 502.1 (precedent to principles and conditions outlined in § 502.1) may not grant the amendment. The original plan and proposal may not be in jeopardy. There is a new full determination by the Zoning Commissioner that the amendment would meet all of the principles and conditions of the original Special Exception. Because the original plan and proposal are not in jeopardy, the original hearing, reevaluated in the same manner, portion of the plan would be subject to the same two year utilization time, the same as the original plan and proposal. The original plan and proposal are not in jeopardy and plan.

**J. Robert Haines**  
Vice President

In answering your question it is important to point out that when an originally granted Special Exception is proposed to be amended through the zoning hearing process, even though the original Special Exception is in place and the utilization of the property is in compliance with the zoning ordinance, it is recommended, that the Zoning Commissioner reconsiders the same. It is recommended, that the Zoning Commission, pursuant to principles and conditions outlined in § 502.1 (precedent to principles and conditions outlined in § 502.1) may not grant the amendment. The original plan and proposal may not be in jeopardy. There is a new full determination by the Zoning Commissioner that the amendment would meet all of the principles and conditions of the original hearing. The special exception conditions, because they are the original hearing, reevaluated in the same manner. The portion of the plan would be subject to the same two year utilization time, the same as the original plan and proposal. The original plan and proposal would be subject to the hearing and plan.





### GENERAL NOTES

1. AREA OF PROPERTY - 0.72 ACRES
2. EXISTING USE - OFFICES - CLASS "A"
3. EXISTING ZONING - RO
4. 5'-0" x 5'-0" EASEMENT FOR THE PURPOSE OF INDEXED AND JUDICIAL RECORDS BY 2004 PROPERTY TAXES PER DEED RECORDED APRIL 2, 1975, UNDER 5516 PAGES 004 THRU 005.
5. THE PLAN WAS DRAWN FROM A SURVEY MADE BY E. J. HAN, L.S., 10/20/74, INCORPORATING PLANS DATED AUGUST 2, 1974, ALSO TAKEN FROM PLAT 2, INCORPORATED BY VERONIC GILMAN, PROFESSIONAL ENGINEER DATED DEC. 11/70, DRAWING NO. 100.
6. VARIANCE TO SUB. 14225 TO PERMIT 50% INCREASE IN FLOOR AREA INSTEAD OF 40% AS SHOWN IN SECTION 2113 OF BALTIMORE COUNTY ZONING REG. APPROVED ON OCT. 10, 1979.
7. ALL ABOVE RELIEF GRANTED IN CASE NO. 77-206 XA WHICH IMPOSED THE FOLLOWING FOUR RESTRICTIONS:
  - A) THERE SHALL BE NO CHANGE IN THE EXISTING BUILDING ROOF OR ELEVATION INCLUDING PORCHES EXCEPT FOR THOSE AS REQUIRED BY BALTIMORE COUNTY REGULATIONS.
  - B) ALL PARKING SHALL BE IN REAR OF BUILDING.
  - C) ACCESS TO PARKING SHALL BE FROM THE ALLEY AT THE REAR OF THE BUILDING.
  - D) ANY SIGN IDENTIFYING THE OCCUPANT SHALL BE ATTACHED TO THE BUILDING.

**PARKING DATA:**  
AREA OF PROPOSED EXISTING OFFICE SPACE

EXISTING	PROPOSED	TOTAL
1st FL = 1156	442	1598
2nd FL = 1156	442	1598
3rd FL = 1023	442	1465
<b>TOTAL REQ. PARKING SPACES</b>		<b>11.40</b>
<b>TOTAL PROVIDED PARKING SPACES</b>		<b>12.00</b>

SITE PLAN TO ACCOMPANY A SPECIAL HEARING FOR AN EXTENSION TO THE TIME UTILIZATION OF CASE NO. 88-519 SPH WITH AN ORDER EFFECTIVE OF JUNE 14, 1986.

NOTE: PLAN AS APPROVED SAVING EXISTING 1912 TITLE BLOCK.

WEYBACH, CRONIN & BORRA  
OFFICE BUILDING  
402 WEST PENNSYLVANIA AVE.  
TOWSON, MD 21204

SITE PLAN TO ACCOMPANY SPECIAL HEARING PETITION TO MODIFY EXISTING SPECIAL EXCEPTION FOR OFFICE BUILDING PER CASE NO. 77-206 XA, TO REMOVE RESTRICTION NO. 1 & PERMIT THREE (3) STORY ADDITION TO REAR OF BUILDING.  
SCALE 1" = 20'-0"



**GEORGE WILLIAMS STEPHENS, JR. AND ASSOCIATES, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
303 ALLEGHENY AVENUE  
TOWSON, MARYLAND 21204  
(301) 825-8100

*1 sign*  
**PETITIONER'S EXHIBIT 1**